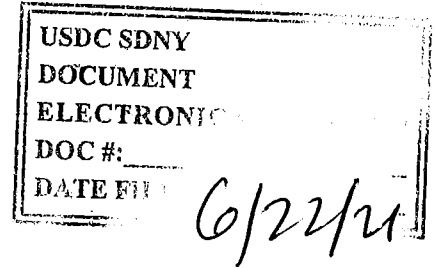


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
GERALD HAYDEN,
Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION; SHANKER
RAMAMURTHY; and PABLO SUAREZ,
Defendants.
-----X

ORDER

21 CV 2485 (VB)

On March 22, 2021, plaintiff Gerald Hayden commenced the instant action against defendants International Business Machines Corporation, Shanker Ramamurthy, and Pablo Suarez. (Doc. #1).

More than 90 days have elapsed since the complaint was filed. Pursuant to Fed. R. Civ. P. 4(m): "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against the defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m) (emphasis added).

Pursuant to Rule 4(m), plaintiff had until June 21, 2021, to serve defendants. However, plaintiff first requested the Clerk to issue summonses to defendants on June 18, 2021 (Docs. ##5–6), and there is no affidavit or other proof of service on the docket showing that defendants were served by June 21, 2021.

Accordingly, pursuant to Rule 4(m), this action will be dismissed without prejudice unless, on or before **June 29, 2021**, plaintiff either: (i) files on the ECF docket proof of service, indicating defendants were served on or before June 21, 2021; or (ii) shows good cause in writing for his failure to comply with Rule 4(m).

Dated: June 22, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti
United States District Judge